

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., October 19, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the October 12, 2004 meeting
-

AWARDS AND PRESENTATIONS

- Proclamations
-

PUBLIC AGENDA

1. Donald Jackson, DVM The Oz Bicycle Club.
 2. Tom Roulston-CANLAN Managing the Ice Sports Center Facility and the On-Going Audit of the Facility's Books.
 3. King David Davis-The Politics of Men Vs. Children.
- (Item 4.)**
4. Oletha Goudeau-Faust-Piatt Park Memorial, Remembering the Victims of Tanker Plane Crash, January 16, 1965.

(THIS ITEM HAS BEEN DEFERRED UNTIL THE 11-09-04 MEETING)

CONSENT AGENDA

5. Report of the Board of Bids and Contracts Dated October 18, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

6. Application for License for Adult Entertainment Establishments/Services:

New Adult Entertainment

Ernest C. Doyon Vegas Video LLC 18323 West Kellogg

RECOMMENDED ACTION: Approve license subject to Staff review and approval.

7. Applications for License to Retail Cereal Malt Beverages:

New Operator 2004 (Consumption on Premises)

Barron Schmidt Barron's Inc.* 1945 North Rock Road #2809

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve license subject to Staff review and approval.

8. Preliminary Estimates:

- a) Kinkaid Circle from the east line of Brentwood South Second Addition to and including the cul-de-sac to serve Brentwood South Second Addition - north of Pawnee, east of Webb. (472-83994/765876/ 490987) Does not affect existing traffic. (District II) - \$192,000
- b) Lateral 369, Four Mile Creek Sewer to serve Brentwood South Second Addition - north of Pawnee, east of Webb. (468-83802/744057/480745) Does not affect existing traffic. (District II) - \$116,280
- c) Lincoln Park Tennis Court Removal - east of Broadway, south of Lincoln. (472-84113/785041/ 394173) Does not affect existing traffic. (District I) - \$20,000
- d) Westlakes Court serving Lots 1 through 9, Block 1, from the north line of Westlakes Parkway to and including the cul-de-sac; Westlakes Court serving Lots 10 through 18, Block 1, from the north line of Westlakes Parkway to and including the cul-de-sac; Westlakes Court serving Lots 19 through 45, Block 1, from the north line of Westlakes Parkway to and including the cul-de-sac; Westlakes Court serving Lots 1 through 13, Block 4, from the west line of Westlakes Parkway to and including the cul-de-sac; Westlakes Parkway from the east line of Maize Road to the west line of Lot 45, Block 1; Sidewalk on the north side on Westlakes Parkway from the east line of Maize to the west line of Lot 45, Block 1 to serve Fox Ridge Addition - north of 29th Street North, east of Maize. (472-84025/ 765878/490989) Does not affect existing traffic. (District V) - \$750,000

RECOMMENDED ACTION: Approve and file.

9. Petition to Construct a Sanitary Sewer and Storm Water Sewer in Oak Cliff Estates Addition, North of Maple, West of Maize. (District V)

RECOMMENDED ACTION: Approve Petition; adopt Resolution.

10. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

11. Laser Printer Maintenance Contract – Selection of Vendor.

RECOMMENDED ACTION: Approve Contract; authorize necessary signatures.

12. Design Services Agreements:

- a) Copper Gate Estates Addition, south of 13th Street, west of 135th Street West. (District V)
- b) Blue Lake Addition, west of West Street, north of MacArthur. (District IV)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

13. Skate Park. (District I)

RECOMMENDED ACTION: Approve the amended bonding resolution and authorize the necessary signatures.

14. Equus Beds Water Quality-US Environmental Protection Agency Grant.

RECOMMENDED ACTION: Approve the Grant Agreement, receipt of funds, and authorize the necessary signatures.

15. Condition and Operation Report, January 1, 2001 through December 31, 2003.

RECOMMENDED ACTION: Receive and file the Condition and Operation Report prepared for the City of Wichita.

16. Capital Project Reductions.

RECOMMENDED ACTION: Approve the capital project amendments and the necessary fund transfers.

17. Approval of Certificate of Convenience and Necessity for Mr. Alan Smith d/b/a S & S Limousine.

RECOMMENDED ACTION: Approve a Certificate of Convenience and Necessity for Mr. Alan Smith to operate S & S Limousine with up to three vehicles in Wichita, Kansas.

18. Increase in Purchase Price Limit; HOMEownership 80 Program.

RECOMMENDED ACTION: Approve the increase of the HOMEownership80 program Maximum purchase price, to \$85,700.

19. Correction of Title to Wichita Airport Authority Property.

RECOMMENDED ACTION: Authorize the execution and delivery of the quitclaim deed.

20. Budget Transfer-Contracted Street Maintenance.

RECOMMENDED ACTION: Authorize staff to process the necessary budget transfers to fund additional contracted maintenance and to provide funding for personal services expenditures through year-end.

21. Second Reading Ordinances: (First read October 12, 2004)

a) Abatement of dangerous and unsafe structures.

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas.

b) Amendments to Title 15 - adoption of the 2000 International Fire Code.

An Ordinance amending Sections 15.01.010, 15.01.020, 15.01.030, 15.01.040, 15.01.060, 15.01.070, 15.01.080, 15.01.090, 15.01.100, 15.01.110, 15.01.120, 15.01.150, 15.01.160, 15.01.170, 15.01.180, 15.01.190, 15.01.200, 15.01.210, 15.01.230, 15.01.240, 15.01.250, 15.01.260, 15.01.280, 15.01.300, 15.01.310, 15.01.320, 15.01.330, 15.01.340, 15.01.350, 15.01.360, 15.01.370, 15.01.390, 15.01.400, 15.01.430, 15.01.450, 15.01.460 of the Code of the City of Wichita, Kansas, and creating Sections 15.01.050, 15.01.130, 15.01.140, 15.01.220, 15.01.270, 15.01.290, 15.01.380, 15.01.410, 15.01.420, 15.01.440, of the Code of the City of Wichita, Kansas, all pertaining to the adoption of the 2000 International Fire Code and City of Wichita Amendments hereto, and repealing the originals of said Sections and repealing the Original of Chapter 15.01.

(Item 21 continued)

- c) Alarm and fire alarm systems. Chapter 3.40 of the Code.

An ordinance amending Sections 3.40.020, 3.40.030, 3.40.035, 3.40.040, 3.40.060, 3.40.070, 3.40.090, 3.40.100 and 3.40.105 and creating Section 3.40.150 of the Code of the City of Wichita, Kansas, all pertaining to alarm systems and repealing the Originals of Sections 3.40.020, 3.40.030, 3.40.035, 3.40.040, 3.40.070, 3.40.090 and 3.40.105.

- d) Release and substitution of property, Via Christi Health System, Inc. (Districts II, III and VI)

An Ordinance of the City of Wichita, Kansas, authorizing the execution of a first amendment to bond indentures by and between the City and the Bank of New York; a third supplemental restated and amended lease by and between the City and Via Christi Regional Medical Center, Inc. and a third supplemental sublease by and between the City of Wichita, Kansas and Via Christi Regional Medical Center, Inc., in connection with the release and substitution of property and correction of interest rate.

- e) Issuance of Residential Rental Facility Revenue Bonds - Casa de-la-Familia Apartments. (District VI)

An Ordinance authorizing the City of Wichita, Kansas, to issue its Residential Rental Facility Revenue Bonds for the purpose of providing funds to acquire, construct and equip a residential rental facility located in the City of Wichita, Kansas; and prescribing the form and authorizing execution of various documents relating to the issuance of and security for the bonds, the lease of the residential rental facility, and the sale of the bonds.

- f) Changes to the order of business at regular meetings.

An Ordinance of the City of Wichita pertaining to changes to the order of business at regular city council meetings; amending Code Sections 2.04.190 and 2.04.390; and repealing the originals of said Sections, and repealing the original of Ordinance No. 46-241S.

- g) ZON 2004-15- north side of 13th Street North and on the west side of 135th Street West. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-15

- h) ZON2004-38-generally located 750 Feet East of 127th Street East, north of 21st Street North. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-38

- i) ZON2004-43 - generally located south of K-96 and East of Webb Road. (District II)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-43

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

22. Public Hearing on Proposed Assessments for Thirty-four (34) Water Projects, Thirty-six (36) Sewer Projects and Fifteen Storm Water Projects in January 2005 Bond Sale Series 780.

The City Council was notified on September 21, 2004 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the Public Hearing, approve the proposed assessments and place the ordinance on first reading.

23. Public Hearing on Proposed Assessments for Forty-nine (49) Paving Projects in January 2005 Bond Sales Series 780.

The Council was notified on September 14, 2004 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the Public Hearing; approve the proposed assessments and place the ordinances on first reading.

24. Petition to Pave Firefly Drive and Azure Lane in Whistling Walk Estates Additions, South of 13th Street, West of 119th Street West. (District V)

Two paving Petitions have been submitted for streets in Whistling Walk Estates Additions. The signatures of the first Petition to pave all streets in the Whistling Walk Estates neighborhood represent 27 of 52 (51.92%) resident owners and 41.15% of the improvement district area.

RECOMMENDED ACTION: Approve the first Petition to pave all streets in the Whistling Walk Estates Additions and adopt the Resolution.

25. Lease Agreement for Aggregate Mining on Kingsbury Tract. (District VI)

On February 10, 2004, the City Council selected Quik Sand as the preferred developer for aggregate mining and the development of a master plan for park improvement for the Kingsbury Tract including the lakes that will result from the mining operations.

RECOMMENDED ACTION: Approve the lease agreement and authorize the necessary signatures.

26. Acquisition of Annexed Rural Water District #4 Customers.

The City has annexed areas generally described as being in the vicinity of Kellogg and 151st Street West and K-42 and 103rd Street West. The areas in question encompass 71 properties that are currently being served by Rural Water District #4.

RECOMMENDED ACTION: Approve the Purchase Agreement for the facilities of RWD #4 in the annexed area in question; adopt the Amended Resolution and authorize the necessary Signatures.

(Item 27.)

27. Computerized Ticketing System for Century II. (District I)

(THIS ITEM HAS BEEN DEFERRED TO THE 10-26-04 WORKSHOP)

28. Ordinance Amending Off-Site Billboard Sign Regulations (Title 24.04)

On May 4, 2004, the City Council passed a six-month "Off-site Billboard Moratorium" to allow time to conduct a study of billboard sign regulations, to obtain public comment on current or proposed billboard sign regulations, and to develop and adopt any appropriate Sign or Zoning Code amendments relating to off-site billboard signs.

RECOMMENDED ACTION: Approve first reading of the ordinance amending the Sign Code (Title 24.04 of the Code of the City of Wichita).

PLANNING AGENDA

NOTICE: Public hearing on planning Items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

29. *SUB2004-072-Plat of Harris Addition, Located on the South Side of Harry and West of Rock Road. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

30. *SUB2004-74-Plat of Metro Building Supply Addition, Located South of 37th Street North and on the West Side of Hillside. (District I)

RECOMMENDED ACTION: Approve the document and plat; authorize the necessary signatures and adopt the Resolutions.

31. *DED2004-22-Dedication of Access Control for Property Located West of Webb Road and on the North Side of Harry. (District II)

RECOMMENDED ACTION: Accept the dedication.

32. *VAC2002-00023-Request to Vacate Sewer Easements Dedicated by Separate Instrument, Generally Located Northwest of the 159th Street East and Central Avenue Intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

33. *VAC2004-00038-Request to Vacate the Uses Allowed in a Platted Reserve, Generally Located Southwest of the Webb Road and K-96 Interchange, on the North Side of 29th Street North. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

34. *VAC2004-00043-Request to Vacate a Platted Utility Easement, Generally Located Midway Between 21st Street North and 29th Street North and West of Woodlawn Boulevard. (District I)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

35. *A04-22-Request by Louis Development Co. to Annex Lands Generally Located North of 13th Street between 135th Street and 119th Street West. (District V)

RECOMMENDED ACTION: Approve the annexation request and place the Ordinance on first reading.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on Items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

36. Telephone Switch Upgrade, Wichita Mid-Continent Airport.

RECOMMENDED ACTION: Approve the project budget; approve the contracts; adopt the resolution and authorize the necessary signatures.

37. Honeywell International, Inc.

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

38. S.A. No. 3-American Airlines and S.A. No. 3-American Eagle Airlines.

RECOMMENDED ACTION: Approve the Supplemental Agreements and authorize the necessary signatures.

39. Concession Revenue Audit Services.

RECOMMENDED ACTION: Approve the contract and authorize the necessary signatures.

CITY COUNCIL

40. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow